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SUBJECT: MFA HUMAN RIGHTS OFFICIALS ON THE NGO LAW,  
RELIGIOUS FREEDOM, AND UN HUMAN RIGHTS COUNCIL

REF: MOSCOW 1025

Classified By: Political Minister-Counselor Kirk Augustine. Reason 1.4  
(b, d)

11. (C) SUMMARY. In a May 29 meeting with Mikhail Lebedev, Acting Director of the MFA Department on Humanitarian Cooperation and Human Rights, DRL Deputy Assistant Secretary Barks-Ruggles underscored USG concerns that the new NGO law be implemented fairly and transparently. Barks-Ruggles also emphasized the importance of religious freedom issues, in particular USG concerns about the treatment of religious minorities and the possible inclusion of religious groups as NGOs under the new NGO law. She noted the upcoming Smith Amendment decision and the June visit to Russia of the U.S. Commission on International Religious Freedom. Barks-Ruggles and Lebedev agreed that the opening session of the UN Human Rights Council should focus on procedural issues. They shared concerns about problems with the Declaration on the Rights of Indigenous Peoples and the Convention on Enforced Disappearances. He also indicated that the GOR might oppose efforts to terminate or substantially change the Sub-Commission on Human Rights. END SUMMARY.

12. (C) On May 29 DRL Deputy Assistant Secretary Erica Barks-Ruggles met with Mikhail Lebedev, Acting Director of the MFA Department on Humanitarian Cooperation and Human Rights, his deputy, Grigoriy Lukyantsev, and Tatyana Smirnova also of the same department, as well as MFA officials from other departments.

NGO LAW

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13. (C) Barks-Ruggles expressed concern over the lack of clarity in the implementation process of the new NGO legislation. One of the areas that remained unclear was how the law would affect religious organizations. She stressed that the law should not overburden NGOs with excessive paper work requirements and that the requirements on NGOs be clarified. Smirnova agreed that many NGOs were worried about the lack of clarity. While noting that the MFA does not have primary jurisdiction over the law's implementation, Lebedev expressed hope that few problems would arise. He said the MFA was in contact with the Ministry of Justice (MOJ) on the issue. NGOs with problems could address a number of different government bodies including the MFA, the MOJ, and the Presidential Administration. The law was not created to prohibit NGOs, but to bring clarity to the sector, Smirnova argued, adding that tens of thousands of organizations listed as NGOs were either non-existent or had been created as fronts for business operations to gain tax benefits.

14. (C) Barks-Ruggles noted that it was important not to create problems for legitimate NGOs. She expressed concern

that the law could be used too restrictively and that legitimate but controversial NGOs could run into problems with the law. She noted that in the U.S. NGOs were often critical of the USG, but it was important for their voices to be heard. The treatment of NGOs in Russia would continue to be a sensitive topic, and Barks-Ruggles said the USG wanted to continue our dialogue with the GOR on the issue.

#### RELIGIOUS FREEDOM

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15. (C) Turning to religious freedom issues, Barks-Ruggles noted that a final decision on the Smith Amendment was pending and outlined the ramifications of the law. She also noted that the U.S. Commission on International Religious Freedom would be coming to Russia in June and would want to discuss issues such as the treatment of religious minorities in Russia and the implications of the new NGO law for religious groups. Barks-Ruggles said that Congress in particular would be examining religious freedom in Russia this year because of the G8 Summit. The strong condemnation of the January 11 synagogue attack and follow-up investigation by the GOR had been noted and appreciated in the U.S., but the issue of violence was still a concern.

16. (C) Smirnova noted that the synagogue attack had shocked many people in Russia. Especially because Russia was a multi-confessional society, it was important for different religious groups to coexist peacefully in Russia. Government agencies like the Ministry for Regional Development and the Council on Religious Entities were trying to strengthen inter-confessional dialogue. The xenophobic attacks against religious, ethnic, and racial minorities represented only a small segment of the general population. Lebedev noted that

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Putin had given the green light for the government to fight against extremist groups and, it had taken a multi-agency approach to the problem.

17. (C) Lebedev suggested the OSCE should take a more visible role in dealing with the problem of religious tolerance. Noting previous Russian attempts to combine the three representatives of the Chairman-in-Office that combat anti-Semitism, Islamophobia, and discrimination against Christians into one position, he said the GOR would likely raise this issue again in October in Vienna. He said the GOR had seen few results after two years of their work, and such an approach might make them more efficient.

#### UN HUMAN RIGHTS COUNCIL

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18. (C) Barks-Ruggles said that although the U.S. was not on the UN Human Rights Council (HRC), it would be an active participant and observer in its first year, starting with the June 19 opening session. She noted that the first session of the HRC in June should address procedural issues and make decisions on how the work of the HRC would proceed. It would set a bad precedent for the HRC to take on contentious issues such as the Declaration on the Rights of Indigenous Peoples (DRIP) and the Convention on Enforced Disappearances at its first session. On the DRIP, Barks-Ruggles noted that the current draft did not address issues that Russia, the USG, and others had been raising for ten years. Lebedev agreed that the opening session of the HRC should focus on procedural issues. He noted that the GOR had problems with the DRIP, on which no consensus had been reached. As a result it was difficult to accept the DRIP in its current form, and it therefore may be necessary to call for a vote on it. (Note: He implied Russia would do so and vote no. End Note.) He also expressed concern about the Convention on Enforced Disappearances.

19. (C) Barks-Ruggles said that the HRC should shift more of its funding to technical assistance. One way to do so would

be to try and divert more resources to implementation rather than ineffective experts such as the Sub-Commission on Human Rights. The Sub-Commission had a budget four times the size of the HRC. A slimmed down Sub-Commission would be more practical, allowing resources to be used in the field to produce more tangible results. Barks-Ruggles noted that the USG supported the UN Office of the High Commissioner for Human Rights (OHCHR) expanding its field offices in countries like Nepal and Pakistan that had requested assistance. Lebedev said the Sub-Commission had done some useful work and called for a balanced approach to the issue. He expressed concern about the expansion of the field office in Russia.

¶10. (C) In response to Barks-Ruggles' question about Russia's position on the peer review process, Lebedev said that "no one imagined it as a topic to be discussed" in the upcoming meeting of the HRC. He expressed concerns that the peer review process would lead to duplication of existing treaty obligation and submission of lengthy reports. Barks-Ruggles noted that the USG did not want the issue of peer review to dominate the HRC and suggested that discussion of this issue should, perhaps, begin in Geneva after the first June session.

¶11. (C) Barks-Ruggles reiterated A/S Lowenkron's invitation from his January meeting at the MFA (reftel) to have the Director of the Department on Humanitarian Cooperation and Human Rights visit Washington. Lebedev welcomed the idea of a more regularized dialogue, but said a trip to Washington would best be undertaken once a permanent Director for the Department on Humanitarian Cooperation and Human Rights was in place.

COMMENT

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¶12. (C) Lebedev clearly was uncomfortable addressing issues concerning the implementation of the NGO law, and tried to defer to other ministries and the Presidency. On the HRC, it is likely that Russia will try to insist on some continuation of an experts group even if the Sub-Commission is disbanded. It will be helpful to clarify in Geneva that our support for expanded OHCHR field operations will be to provide assistance to countries that have requested it -- not to target countries like Russia.

¶13. (U) DAS Barks-Ruggles has cleared this cable.

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